

June 21, 2002

William F. Caton, Acting Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

Re: CC Docket No. 99-200, Petition of the Connecticut Department of
Public Utility Control for Authority to Implement a Transitional
Service Technology Specific Service Overlay in Connecticut –
Supplemental Information

Dear Mr. Caton:

Enclosed please find one original and six copies of the Connecticut
Department of Public Utility Control's (CTDPUC) reply comments to those
comments filed in response to the Federal Communications Commission's May
31, 2002 Public Notice seeking comment on CTDPUC's May 9, 2002
Supplemental Information in the above noted proceeding.

Sincerely,

DEPARTMENT OF PUBLIC UTILITY CONTROL

Louise Rickard
Acting Executive Secretary

Enc.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
) CC Docket No. 99-200
Petition of the)
Connecticut Department of Public Utility Control) NSD File No. L-02-03
for Authority to Conduct a Transitional)
Service Technology Specific Overlay Trial)
in Connecticut)

PETITION OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL
FOR AUTHORITY TO CONDUCT A TRANSITIONAL
SERVICE TECHNOLOGY SPECIFIC
SERVICE OVERLAY TRIAL – REPLY COMMENTS

Donald W. Downes
Chairman

Glenn Arthur
Vice-Chairman

Jack R. Goldberg
Commissioner

John W. Betkoski, III
Commissioner

Linda J. Kelly
Commissioner

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Connecticut Department of
Public Utility Control

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PETITION OF THE CONNECTICUT
DEPARTMENT OF PUBLIC UTILITY CONTROL
FOR AUTHORITY TO IMPLEMENT A TRANSITIONAL
SERVICE TECHNOLOGY SPECIFIC
SERVICE OVERLAY TRIAL – REPLY COMMENTS

A. Introduction

In light of the comments filed in response to the Federal Communications Commission's (Commission or FCC) May 31, 2002 Public Notice in the above noted proceeding, the Connecticut Department of Public Utility Control (CTDPUC) submits the following reply comments. CTDPUC notes that the carriers responding to its May 9, 2002 Supplemental Filing (CTDPUC Supplemental Filing) have offered nothing new in their comments. Indeed in some cases as further discussed below, the carriers have presented the very same arguments against the transitional technology specific service overlay (SO) that were first raised and addressed by the FCC in its December 12, 2001 Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98, and CC Docket No. 99-200 (TRO) in CC Docket No. 99-200, Numbering Resource Optimization; CC Docket No. 96-98, Implementation of the Local

Competition Provisions of the Telecommunications Act of 1996; and CC Docket No. 95-116, Telephone Number Portability. These arguments were not accepted by the Commission in that proceeding and they should not be accepted now. Nevertheless, the carriers have raised some arguments that CTDPUc cannot let go unchallenged and will address them as follows.

B. Services and Technologies that Would Be Included in the Transitional Technology Specific Service Specific Overlay

Some carriers claim that the services and technologies which would be placed in the SO have not been properly identified.¹ CTDPUc disagrees with that claim. The Commission has already indicated the wireline and wireless technologies that would be suitable candidates for the SO.² The Commission has also suggested suitable wireline services (i.e., data lines, unified messaging services or vehicle response systems) that could be included in a SO.³ CTDPUc has accepted the Commission's suggestions, terms and conditions as outlined in the TRO and has requested authority to implement a SO based on those parameters.⁴ In light of CTDPUc's long-standing interest in implementing a service specific overlay in Connecticut, as well as the Commission's well thought out analysis in the TRO of the conditions under which a SO could be implemented, CTDPUc is somewhat perplexed by the carriers' inability to discern the technologies and services that it intends to include in the proposed Connecticut SO. Because CTDPUc has adopted the Commission's suggested

¹ See Sprint Corporation (Sprint) May 21, 2002 Comments, pp. 3-5; Cingular Wireless LLC (Cingular) June 14, 2002 Comments, pp. 5 and 6.

² TRO, ¶ 74.

³ Id.

⁴ Id.

technologies and services, which has formed the basis of the proposed Connecticut SO, CTDPUC disagrees with Cingular's suggestion that workshops to identify the appropriate services which would be included in the SO should be conducted before a SO petition is filed. Because these technologies and services have already been identified, a technical workshop with the carriers to further define those services as well as identify and address any issues that might arise during the implementation of the Connecticut SO is in order.

Furthermore, as the Commission is aware, CTDPUC has been authorized to conduct an Unassigned Number Porting (UNP) Trial in Connecticut.⁵ With that authorization, CTDPUC recognized that a successful UNP Trial would require the industry's input in developing the terms and conditions under which the trial would be conducted. CTDPUC also recognized that technical workshops would provide the most efficient vehicle of receiving that input. Consequently, CTDPUC conducted several workshops after the Commission's authority was granted in order to expedite the implementation of the Connecticut UNP trial.

Moreover, CTDPUC believes the AT&T Wireless Services, Inc. (AWS) suggestion that CTDPUC could, at a later date, submit a petition to the Commission to expand the scope of the SO has merit.⁶ As the SO is underway in Connecticut, CTDPUC may petition the Commission for to expand its authority to incorporate additional services into the SO if conditions warrant.

Finally, CTDPUC disagrees with Sprint's contention that assignment of a new area code for ATM lines and unified messaging services would be grossly

⁵ See the Commission's May 14, 2001 letter authorizing the Department to conduct an UNP trial in Connecticut.

inefficient and would directly undermine the Commission's optimization efforts. Sprint appears to have ignored the transitional nature of the SO and in its comments attempts to rehash the same arguments it initially raised in CC Docket No. 96-98 and CC Docket No. 99-200.⁷ The Commission disagreed with Sprint then as it should now in this proceeding.

C. Ten-Digit Dialing Waiver

The Cellular Telecommunications & Internet Association (CTIA) has faulted CTDPU's request for a waiver of the Commission's ten-digit dialing requirements claiming that it is anti-competitive and excessive.⁸ Sprint contends that CTDPU's request is unjustified and unexplained.⁹ As CTDPU has previously indicated, the purpose of the requested waiver was to implement a Connecticut Consumer Ten-Digit Dialing Education Program.¹⁰

CTDPU is also aware that some carriers have indicated that a 12 month delay in implementing ten-digit dialing may be too long and that a six month time period may be more appropriate. See Nextel Communications, Inc.'s June 14, 2002 Comments, p. 4. Quite simply, CTDPU seeks a waiver from the ten-digit dialing rule to allow a sufficient period of time to provide all Connecticut consumers the opportunity to become familiar with the new dialing protocol and have an ample period of time to adjust to the new ten-digit dialing requirement. While a 12-month permissive dialing plan may be too long in some cases, CTDPU is aware however, that in some cases, longer periods of time (i.e.,

⁶ AWS June 14, 2002 Comments, p. 6.

⁷ TRO, ¶73.

⁸ CTIA June 14, 2002 Comments, p. 6.

⁹ Sprint Comments, pp. 5 and 6.

more than six months) may also be necessary.¹¹ Nevertheless, in light of the concerns expressed by the commenters, CTDPUK is prepared to amend its request for waiver of the ten-digit dialing rule and hereby requests that the Commission grant a six-month waiver so that CTDPUK may conduct its consumer education program in the state.

D. Transitional Trigger

Cingular argues that the SO transition trigger is inequitable and inconsistent with the Commission's guidelines.¹² CTDPUK believes this is yet an additional instance of the carriers seeking another bite of the apple attempting to move the Commission to reverse its previous findings and orders. The Commission has already determined how and when a transitional SO would be implemented. CTDPUK has accepted the Commission's parameters and incorporated them (acknowledging the November 24, 2002 pooling deadline) into its plans as it developed its proposed Connecticut SO. Cingular's concerns have already been addressed in the TRO and therefore, they should be dismissed by the Commission.

E. Conclusion

The Commission has established the parameters under which SOs can be implemented. CTDPUK has adopted the Commission's suggestions and standards and incorporated them into its plans to implement a Connecticut SO. CTDPUK believes that in order to ensure a smooth implementation of the Connecticut SO, a series of workshops with the carriers is necessary and hereby

¹⁰ CTDPUK Supplemental Filing, pp. 6 and 7.

¹¹ Id.

reaffirms its commitment to work with the industry. Accordingly, CTDPUK requests that the Commission look favorably on its request to implement a Connecticut SO.

Respectfully submitted,

CONNECTICUT DEPARTMENT OF
PUBLIC UTILITY CONTROL

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John W. Betkoski, III
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Ten Franklin Square
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¹² Cingular Comments, pp. 6-9.

CERTIFICATION

Miriam L. Theroux
Commissioner of the Superior Court